

AQ 399 (03/08) Waiver of the Service of Summons

## UNITED STATES DISTRICT COURT

for the

Northern District of California

VILMA SERRALTA

Plaintiff

v.

SAKHAWAT KHAN

Defendant

Civil Action No. C 08-01427

## Waiver of the Service of Summons

To: Elizabeth Tippet

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 03/14/2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date 3/18/2008

Signature of the attorney or unrepresented party

Elizabeth Tippet

Printed name

WSGR, 650 Page Mill Rd, Palo Alto, CA 94304

Address

etippette@wsg.com

E-mail address

650-565-3759

Telephone number

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

# United States District Court

NORTHERN DISTRICT OF CALIFORNIA

VILMA SERRALTA

SUMMONS IN A CIVIL CASE

E-filing

CASE NUMBER:

V.

SAKHAWAT M. KHAN; ROOMY KHAN; and  
DOES ONE through TEN

CV 08

1427

TO: (Name and address of defendant)

ROOMY KHAN

EDL

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christina Chung, Matthew Goldberg, Carole Vigne,  
THE LEGAL AID SOCIETY – EMPLOYMENT LAW CENTER  
600 Harrison Street, Suite 120, San Francisco, CA 94107

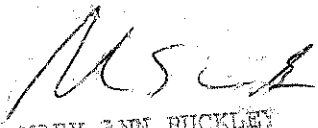
Hillary Ronen, Rocio Avila  
LA RAZA CENTRO LEGAL, INC.  
474 Valencia Street, Suite 295, San Francisco, CA 94103

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE MAR 13 2008

  
MARY ANN BUCKLEY

(BY) DEPUTY CLERK

RECEIVED

MAR 20 2008

LEGAL AID SOCIETY  
EMPLOYMENT LAW CENTER

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>		DATE
Name of SERVER		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served Personally upon the Defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	+ TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 40%;">Executed on _____ <div style="text-align: center; margin-top: 5px;">Date</div></div><div style="width: 40%; text-align: center;"><div style="border-bottom: 1px solid black; margin-bottom: 5px; height: 1.2em;"></div><div style="margin-top: 5px;">Signature of Server</div><div style="border-bottom: 1px solid black; margin-bottom: 5px; height: 1.2em; margin-top: 10px;"></div><div style="margin-top: 5px;">Address of Server</div></div></div>		
<p>(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure</p>		